

1 **STIP**
2 **BRIAN J. SMITH, ESQ.**
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5 **Las Vegas, Nevada 89134**
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8 **Attorney for HERNANDEZ**

9 **UNITED STATES DISTRICT COURT**
10 **IN AND FOR THE DISTRICT OF NEVADA**

11 **UNITED STATES OF AMERICA,**)
12 **Plaintiff,**)
13 **vs.**) **Case No.: 2:16-cr-00122-APG-VCF**
14 **AARON HERNANDEZ,**) **STIPULATION TO CONTINUE**
15 **Defendant.**) **HEARING REGARDING REVOCATION**
16 **OF SUPERVISED RELEASE**
17 **(THIRD REQUEST)**

18 *Certification:* This stipulation is filed pursuant to General Order 2007-04.

19 IT IS STIPULATED between the defendant AARON HERNANDEZ through his
20 attorney BRIAN J. SMITH, ESQ., and the United States of America, through BRANDON
21 JAROCH, Assistant United States Attorney, that the hearing regarding revocation of
22 supervised release currently scheduled for December 29, 2016, at the hour of 9:00 a.m.,
23 be vacated and set to a date and time convenient to this court, but no event earlier than
24 ninety (90) days.

25 This Stipulation is entered into pursuant to General Order 2007-04 and based
26 upon the following:

- 27 1. There have been two previous continuances granted to the defense in this
- 28 case.
2. Defense counsel was appointed on April 21, 2016.
3. The defense will require more time to complete said discovery review.
4. The parties agree to the continuance.

5. Denial of this request for continuance would deny the defendant sufficient time to be able to fairly resolve his case, taking into account the exercise of due diligence.
6. Also, denial of this request or continuance would result in a miscarriage of justice.
7. For the above stated reasons, the parties agree that a continuance of the calendar call and trial date would best serve the ends of justice in this case.
8. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).
9. This is the third request for a continuance on the hearing regarding revocation of supervised release in this case.

DATED this 20th day of December, 2016.

RESPECTFULLY SUBMITTED BY:

/s/ Brandon Jaroch
BRANDON JAROCH
Assistant United States Attorney

/s/ Brian J. Smith
BRIAN J. SMITH
Attorney for HERNANDEZ

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UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AARON HERNANDEZ,

Defendant.

Case No.: 2:16-cr-00122-APG-VCF

STIPULATION TO CONTINUE
HEARING REGARDING REVOCATION
OF SUPERVISED RELEASE

(THIRD REQUEST)

FINDINGS OF FACT

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The defense will require additional time to review the submitted discovery in this case.
2. This stipulation complies with General Order 2007-04.

CONCLUSIONS OF LAW

1. Denial of this request for continuance would deny the defense herein sufficient time and the opportunity within which to be able to effectively and thoroughly research and prepare this case, taking into account the exercise of due diligence.
2. Additionally, denial of this request for continuance would result in a miscarriage of justice.

3. For all of the above stated reasons, the ends of justice would best be served by a continuance of the trial date, and such continuance outweighs the best interest of the public and the defendant to a speedy trial.
4. The additional time requested by the stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).
5. This is the third request for a continuance.

ORDER

IT IS ORDERED that the revocation of supervised release currently scheduled for December 29, 2016, at the hour of 9:00 a.m., be vacated and continued to April 18, 2017 at the hour of 1:30 p.m. Courtroom 6C.



UNITED STATES DISTRICT JUDGE

DATED: December 22, 2016